

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 439 by Representative Ellington

AGRICULTURAL COMMODITIES: Requires country of origin labeling in retail and food service establishments for catfish products

Synopsis of Senate Amendments

1. Expands the definition of "Catfish" to include species within the family of Arridae or Loricariidae.

Proposed law creates the La. Catfish Marketing Law which requires country of origin labeling in retail and food service establishments in order to provide clear information on the origin of aquaculture to protect the health and welfare of consumers.

Proposed law provides for definitions of catfish, catfish product, commissioner, department, direct retail sale, distributor, farm-raised catfish, food service establishment, label, labeling, menu, person, processor, producer, product name, retailer, river or lake catfish, siluriforme, siluriforme product, and wholesaler.

Proposed law requires all retailers of catfish, catfish products, siluriformes, or siluriforme products to notify consumers, at the final point of sale, of the country of origin of the product. Allows the retailer to designate the catfish or catfish product as having a U.S. country of origin only if:

- (1) It is hatched, raised, harvested, and processed in the U.S., in the case of farm-raised catfish.
- (2) It is harvested in waters of the U.S. or a territory of the U.S. and processed in the U.S. or a territory of the U.S., in the case of river or lake catfish.

Proposed law requires that the notice of country of origin for farm-raised catfish and river or lake catfish distinguish between the two.

Proposed law provides for consumer notification by retailers of the country of origin of catfish, catfish products, siluriformes, or siluriforme products by use of a label, stamp, mark, placard, or other clear sign on the catfish, catfish product, siluriforme, or siluriforme product, or on the package, display, or holding unit or bin containing the catfish, catfish product, siluriforme, or siluriforme product. Further provides that if the catfish, catfish product, siluriforme, or siluriforme product is already individually labeled for retail sale regarding country of origin, the retailer is not required to provide any further information.

Proposed law allows the commissioner to require any person that prepares, stores, handles, or distributes catfish, catfish products, siluriformes, or siluriforme products for retail sale to maintain a verifiable recordkeeping trail for compliance verification.

Proposed law provides that no owner or manager of a restaurant that sells imported catfish shall misrepresent to the public, either verbally, on a menu, or on signs displayed on the premises, that the catfish is domestic. Further allows food service establishments serving only catfish or catfish products having a U.S. country of origin to notify consumers by means of a prominently placed sign in the food service establishment in lieu of menu disclosure.

Proposed law requires distributors or wholesalers who supply catfish, catfish products, siluriformes, or siluriforme products to retailers or food service establishments to provide information indicating the country of origin of the catfish or siluriformes or the country of origin of the catfish or siluriformes used in making the catfish product or siluriforme product. Additionally, requires that the information include certification of origin through a state or

federal agency that regulates processing of catfish, catfish products, siluriformes, or siluriforme products or through a federal agency that verifies catfish, catfish products siluriformes, or siluriforme products produced in foreign countries that meet sanitation requirements similar to that of the U.S.

Proposed law provides for the advertising of catfish, catfish products, siluriformes, or siluriforme products to include the country of origin. Prohibits the use of "catfish" as a common name or to advertise, distribute, or label any other fish or fish product except those of certain species defined as catfish. Further provides that the department and the Louisiana Restaurant Association shall employ a marketing campaign that places an emphasis on highlighting the benefits of patronizing La. restaurants and eating domestic catfish.

Proposed law allows the commissioner to regulate and inspect retail and food service establishments. Additionally, authorizes the commissioner to enter the premises of any wholesaler, processor, distributor, retailer, or any other person selling catfish, catfish products, siluriformes, or siluriforme products to determine compliance with proposed law.

Proposed law provides that the commissioner shall inspect restaurants for compliance with proposed law only when the department receives a complaint. Requires any wholesaler or distributor to provide sales and purchases records of catfish, catfish products, siluriformes, or siluriforme products at the request of the commissioner.

Proposed law provides for penalties imposed by the commissioner in writing to any retailer or food service establishment in violation of proposed law and allows three days to correct the violation without incurring a penalty. Additionally, for any person who violates proposed law a first offense shall be punishable by a fine of not more than \$1,000; a second offense shall be punishable by a fine of not more than \$2,000; subsequent violations shall be punishable by a fine of not more than \$5,000 or by having the license for the retail or food establishment suspended indefinitely or until the violation is corrected, or both. Proposed law also provides that any owner or manager of a restaurant who is guilty of a violation of the proposed law shall, upon a first offense, be fined one hundred dollars; upon a second offense, be fined \$250 and upon a third or subsequent offense, be fined \$1,000.

Proposed law authorizes the commissioner to enter the premises of any wholesaler, distributor, or retailer to pull samples of catfish, catfish products, siluriformes, or siluriforme products for laboratory testing to test for species identification or any other testing deemed necessary to determine compliance.

Proposed law requires the commissioner to promulgate rules and regulations for the administration and enforcement of proposed law.

Proposed law requires the Dept. of Health and Hospitals and the Dept. of Agriculture and Forestry to enter into a written cooperative endeavor agreement authorizing the Dept. of Agriculture and Forestry to perform inspections to determine compliance with proposed law.

Proposed law provides that the implementation of proposed law is contingent upon funds appropriated or otherwise made available.

Effective Nov. 1, 2009.

(Adds R.S. 3:4711-4718)